

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER ALLEN, et al.,

Plaintiffs,

-against-

CARL KOENIGSMANN, et al.,

Defendants.

No. 19-CV-8173 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court has received the parties' letters dated June 16 and 17, 2023. (Dkt. nos. 610-14.) First, regarding the parties' dispute over medical records production and witnesses for the permanent injunction trial, the July 15 cut-off date discussed in the June 13, 2023 telephone conference shall apply to medical records only. At the permanent injunction trial, the parties may use only those medical records produced before July 15. Any medical records produced after July 15 may not be used by either party. However, Plaintiffs may call witnesses whose records have not been produced by July 15. In so ruling, the Court notes that there has already been a delay in the medical records production due to Dr. Moores' objection. Were the Court to hold otherwise, Defendants would be able to control the witnesses Plaintiffs can call by adjusting the pace of medical records production before July 15.

Second, regarding the parties' dispute over incorporating the preliminary injunction record into the permanent injunction trial, pursuant to Fed. R. Civ. P. 65(a)(2), the evidence in the preliminary injunction record shall be incorporated. While the standards for granting relief differ between the preliminary injunction hearing and the permanent injunction trial, any questions as to the admissibility of the evidence remain the same. The Court notes that though the preliminary injunction hearing record shall be incorporated into the permanent injunction trial record, the Court is not bound by any findings of fact or conclusions of law made in its opinion granting the preliminary injunction. University of Texas v. Camenisch, 451 U.S. 390, 394 (1981)

SO ORDERED.

Dated: June 20, 2023
New York, New York



LORETTA A. PRESKA
Senior United States District Judge